

Event 9 – Critical Incident
Session 2- Missing Persons
LD 27 Missing Persons

Date Revised: 11/04/19

Goal: To provide the student with basic skills necessary to complete a missing person’s investigation in a manner consistent with the law and Department policy. The student will develop the skills and abilities to successfully and thoroughly complete a missing person’s investigation

Learning Objectives:

- State the statutory definition of a missing person and missing child **[27.I.A.1] [27.I.A.2]**
- Discuss missing person statutes **[27.I.B]**
- Explain the statutory requirements for accepting a missing person report **[27.II.A]**
- Describe information that should be obtained, and steps taken by the initial responder to a report of a missing person **[27.II.B.1-11]**
- Describe the conditions that influence the level of law enforcement response to a report of a missing person **[27.II.C.1-9]**
- Discuss areas that should be included in an initial search for a missing person **[27.III.A]**
- Discuss how search considerations for a child might vary from those of an adult **[27.III.B]**
- Explain a peace officer’s primary responsibilities when responding to an abduction to a child by a parent family member **[27.III.C]**
- Describe circumstances related to custody disputes situations when an officer may take a child into protective custody **[27.III.D]**
- Discuss penal code notification requirements when peace officers locate a missing person **[27.III.E]**

Session Time: 2 hours

Resources:	
<ul style="list-style-type: none"> • Laptop • Projector • Speakers • Video-POST-Missing Persons Investigations • Classroom with tables • White board • Dry-erase markers • Handouts-Special Order #1-January 15, 2010, Critical Missing Persons’ checklist, Missing children with special needs questionnaire, Adult/juvenile skeletal X-rays release forms, Blank Missing Persons’ Report • Notebook dividers 	
<ul style="list-style-type: none"> • Session Summary: The students will be introduced to the basic skills necessary to complete a missing person’s investigation in a manner consistent with California statutes and Department policy. This instruction will be facilitated by video, scenario demos, and classroom discussion. 	
Outline	Instructor Notes
I. Introduction to Missing Persons	

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<p>A. Opening and History</p> <ol style="list-style-type: none"> 1. Opening <ol style="list-style-type: none"> a. Missing person(s) investigations in the past were often handled in a disjointed and confusing manner. b. If an obvious criminal act was involved, law enforcement involvement was swift and clear. c. However, without any signs of a crime, these investigations were viewed as a problem to be handled by family or social services. d. Approach each missing person investigation as a potential criminal investigation. e. Response and ongoing investigative efforts on the parts of officers can have a profound effect on the outcome of a case and the safety and wellbeing of missing person and or victim. 2. Personal Experience/Victimology Discussion <ol style="list-style-type: none"> a. Identify direct and indirect victims b. Impacts on the direct victim(s) and indirect victim(s) c. Physical and emotional reactions/behaviors to crisis 3. History of Law Enforcements Response in Handling Missing Person Investigations <ol style="list-style-type: none"> a. Adam Walsh case 1981 b. Polly Klass case October 1993 <p>B. State the Statutory Definition of: Missing Person/Child [27.I.A]</p> <ol style="list-style-type: none"> 1. State Statutory Definition of Missing Person [27.I.A.1] <ol style="list-style-type: none"> a. Missing person is any adult or child who is reported missing to a law enforcement agency (14213 P.C.) <ol style="list-style-type: none"> 1) An adult remains missing until the individual: <ol style="list-style-type: none"> a) Can be located (alive or dead) or b) Is determined to be a voluntary missing. b. Voluntary missing person is an individual who has left on that person's own free will. 2. State Statutory Definition of a Child [27.I.A.2] <ol style="list-style-type: none"> 1) A child is any person under the age of 18-years-old. 2) A child remains missing until that child is located (alive or dead). <ol style="list-style-type: none"> a) Federal reporting requirements define a missing child as anyone under the age of 21-years-old (5779 (a) Title 42 of the U.S.C.S.). b) Records clerks shall enter appropriate based on your report 3. Terms and Crimes that Relate to Missing Persons <ol style="list-style-type: none"> a. Kidnapping b. False Imprisonment 	<p>Ask- Have any of you experienced a missing person situation? (Important to put themselves in the victim's shoes)</p> <p>Ask: What are some high profile Missing Person's cases that have affected how Law Enforcement responds to a missing child?</p> <p>Refer to Walsh/Klass notes</p> <p>Show video-POST Missing Persons Debrief video</p> <p>Ask: How does age influence our level of response?</p> <p>Ask: What are</p>
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<ul style="list-style-type: none"> c. Child abduction with/without custodial rights 4. Peace officers need to know how to obtain sufficient and accurate preliminary information from the reporting party [27.II] <ul style="list-style-type: none"> a. Ask specific questions-physical descriptors, medical conditions, hangouts, family/friends, clothing worn, school, tattoos, mode of transportation, etc. b. Listen carefully-witnesses, PR, other involved parties c. Observe the scene for possible evidence of a crime d. Objectively evaluate the situation 5. Discuss areas that should be included in an initial search for a missing person [27.III.A] <ul style="list-style-type: none"> a. Home b. Yard c. Neighborhood d. Frequented areas e. Friends/relatives home/workplace/school 6. Describe information that should be obtained, and steps taken by the initial responder to a report of a missing person [27.II.B] <ul style="list-style-type: none"> a. Verification that the report is for a missing person b. Classification of missing person case [27.II.B.2] <ul style="list-style-type: none"> 1) Voluntary Missing 2) Dependent Adult 3) Parent/Family Abduction 4) Runaway 5) Catastrophic Missing 6) Lost 7) Stranger Abduction 8) Suspicious Circumstances 9) Unknown Missing c. Determining at risk status [27.II.B.3] d. Obtaining missing person description, recent photograph and release waiver [27.II.B.4] e. Efforts to locate missing person [27.II.B.5] f. Notification of a supervisor or investigator [27.II.B.6] g. Other agency notifications [27.II.B.7] h. Completion of the report [27.II.B.8] i. BOLO broadcasts [27.II.B.9] j. Entries to missing person information databases (e.g., MUPS) k. Amber Alert [27.II.B] l. Silver Alert 7. Describe the conditions that influence the level of law enforcement response to a report of a missing person [27.II.C] <ul style="list-style-type: none"> a. Age-infants, teenagers, senior citizens [27.II.C.1] b. Family and social environment [27.II.C.2] c. Missing person’s knowledge of the area [27.II.C.3] d. Suspicious circumstances [27.II.C.4] 	<p>some suspicious circumstances when responding to a missing juvenile investigation?</p> <p>Answers: Unusual behavior by parent, babysitter, caregiver, or RP.</p> <p>Refer to notebook divider previously issued to recruits</p> <p>Handout/Review-Critical Missing Checklist; Missing Children with Special Needs-Questionnaire (LAPD Policy)</p> <p>Read: An Amber Alert shall be requested on a CARE/Amber Alert form as soon as a verified child abduction or kidnapping has occurred.</p> <p>The form shall be completed with the approval of the Area Detective/Supervisor when all the following conditions apply:</p> <ul style="list-style-type: none"> a. a confirmed abduction has occurred; b. The victim is 17 years old or younger, or suffers from a confirmed mental illness or disability; c. the victim is reasonably believed to
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<ul style="list-style-type: none"> e. Mental, emotional, medical or physical condition [27.II.C.5] f. Weather/time of day [27.II.C.6] g. Resources available to missing person [27.II.C.7] h. Length of time person has been missing [27.II.C.8] i. Parental custody status [27.II.C.9] 8. Peace officers must know that a thorough preliminary investigation improves the chances of a missing person being located quickly and safely [27.III] <ul style="list-style-type: none"> a. Allows for officers to relay information to other investigative units, and neighboring police agencies b. Investigators can conduct an immediate search for the missing person c. Helps investigators request needed resources d. Allows for information to be disseminated via communication broadcast, computer databases, teletype systems, and news media sources 9. Describe how search considerations for a child might vary from those of an adult [27.III.B] <ul style="list-style-type: none"> a. Searches for adults are different from those for a child. b. Adults usually can travel a farther distance on their own and may leave a note or notify someone that they have left c. Children may plan to leave but usually stay within their “safety zone” d. Children who leave their safety zone usually do not do so by choice 10. Explain a peace officer’s primary responsibilities when responding to an abduction to a child by a parent family member <ul style="list-style-type: none"> a. Officers primary responsibility is to protect the safety and wellbeing of the child b. Uphold the law if a criminal act has taken place c. It is not the Officers responsibility to convene “court” in the field and determine who has what right over a child 11. Missing Person Statutes as specified in California Penal Code <ul style="list-style-type: none"> a. It is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person (14210 P.C.) [27.III.B.1] b. 601 W.I.C., Incurable (Habitual Runaway) Incurable means incapable of being corrected, reformed, amended, or improved with respect to juvenile offenders [27.III.B.2] <ul style="list-style-type: none"> 1) Any person under the age of 18 years 2) Who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her; <ul style="list-style-type: none"> a) Parents, b) Guardian, or 	<p>be in imminent danger of serious bodily injury or death;</p> <p>d. there is sufficient information available that, if disseminated to the public, could assist in the safe recovery of the victim.</p> <p>Read: Silver Alert- The purpose of the Silver Alert Program is to establish a quick response system designed to issue and coordinate alerts following the unexplained or suspicious disappearance of an elderly person or a person who is developmentally disabled or cognitively impaired. The goal of a Silver Alert is to provide immediate information to the public about the missing person.</p>
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<p>c) Custodian, or</p> <p>d) Who is beyond the of that person, or</p> <p>e) Who is under the age of 18 years when he or she violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. And to the extent practically feasible,</p> <p>(1) A minor who is adjudged a ward of the court pursuant to this section shall not be permitted to come into or remain in contact with any minor ordered to participate in a truancy program, or the equivalent thereof.</p> <p>c. 207 W.I.C, Time Limitations for Temporary Custody</p> <p>1) A minor taken into custody upon the ground that he or she is a person described in section 601 W.I.C.</p> <p>a) Can be detained in a secure facility (Juvenile Hall) for up to 24 hours after having been taken into custody, to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian, or</p> <p>b) For up to 24 hours after having been taken into custody, to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian, whose parent or guardian is a resident outside of the state wherein the minor was taken into custody,</p> <p>c) Except that the period may not exceed no more than 72 hours when the return of the minor cannot reasonably be accomplished within 24 hours due to distance of the parents or guardian, from the county of custody, difficulty in locating the parents, or guardian, or difficulty in locating resources necessary to provide for the return of the minor</p> <p>d) For 12 hours after having been taken into custody for determining if there are any outstanding wants, warrants, or holds against the minor in cases where the arresting officer or probation officer has cause to believe that a want or warrants or holds exist.</p> <p>d. 207.1 (b) W.I.C., Time Limitations for Temporary Custody</p> <p>1) Juvenile can be detained in a facility that also contains a lockup for adults no more than 6 hours for the purposes of:</p>	
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- a) Investigating the case
- b) Facilitating the release of the minor to a parent or guardian, or
- c) Arranging for a transfer to an appropriate juvenile facility
- d) The 6-hour time begins upon entering the law enforcement facility
- e. 206 W.I.C., Segregation of Juveniles
 - 1) Requires that minors in each category be segregated from minors in other categories within a law enforcement facility:
 - a) Solely claiming they are dependent children or wards of the juvenile court (300 W.I.C.)
 - b) As status offenders (601 W.I.C.)
 - c) As wards (602 W.I.C.)
- f. 208 W.I.C., Confinement in an Adult Facility
 - 1) Juvenile cannot be placed in an adult jail or lockup unless, ordered to be housed there by a juvenile court judge.
 - a) Even then, the minor must be segregated from all adult prisoners.
- g. Mandated Actions
 - 1) The state of California mandates that all law enforcement agencies perform certain activities associated with the investigation of reports involving missing persons. Such actions include the following:
 - a) All missing person reports will be accepted without delay and regardless of jurisdiction.
 - b) 49068.6 E.C.S. (Education Code Section) If the missing person is a child who is attending school requires notification to the missing child's school within 10 days.
 - c) When appropriate, comply with Title 42, Chapter 72, Subchapter IV (Missing Children aka "Suzanne's Law")
 - d) All missing person reports will have priority over non-emergency property crimes,
 - e) Information regarding a missing person will be broadcast without delay
 - f) The submission of information regarding missing person reports to state and national data bases,
 - g) 14250(c)(2) P.C., providing the parent, guardian, or next of kin of a missing person with Department of Justice forms regarding the release of

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<p>dental/skeletal X-rays and photographs of the missing person, if available, giving a voluntary sample of DNA from a personal article belonging to a missing person.</p> <p>h) When a missing person is found, alive or dead, the law enforcement agency locating that person should:</p> <ul style="list-style-type: none">(1) Cancel any automated systems entries that were previously made, (e.g. CJIS, MPS/UPS)(2) Relay the information to:<ul style="list-style-type: none">(a) The reporting party, and(b) All other agencies who were involved in the investigation. <p>h. Benefits to law enforcement</p> <ul style="list-style-type: none">1) Officers have ethical and professional responsibility to take each report involving a missing person as seriously as they would any other report of potential criminal activity.2) Approaching each missing person report and investigation in a sensitive and professional manner can enhance law enforcement's ability to:<ul style="list-style-type: none">a) Easing each person's concerns regarding unfamiliarity with law enforcement procedures, andb) Helping family members, friends, and others within the community manage their feelings of helplessness, fear, and anger.3) Obtain vital information4) Conduct a thorough investigation, and5) Locate the missing person. <p>C. Initial Law Enforcement Actions</p> <ul style="list-style-type: none">1. Statutory Requirements<ul style="list-style-type: none">a. Accepting a Missing Persons Report<ul style="list-style-type: none">1) 14205(a)P.C. – Online missing persons registry; information retrievability requirements; historic database; disclosure<ul style="list-style-type: none">a) States that reports of missing persons shall be:<ul style="list-style-type: none">(1) Accept without delay(2) Regardless of jurisdiction<ul style="list-style-type: none">(a) Jurisdiction<ul style="list-style-type: none">i Missing person reports shall be accepted by law enforcement personnel regardless if the missing person's residence or last place the missing person was seen is in another	
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<p>jurisdiction.</p> <ul style="list-style-type: none"> ii Generally, the agency having jurisdiction over the missing person’s place of residence has responsibility for the investigation of the missing person. <ul style="list-style-type: none"> b) Reports shall be accepted no matter if they are made by phone, in writing, or given in person directly to law enforcement personnel. c) There is no requirement that a person must be missing for a set amount of time (i.e., 24 hours) before a report can be accepted by law enforcement personnel. <ul style="list-style-type: none"> b. All missing person’s reports will be accepted without delay c. Accept by phone, written correspondence or email d. Accept regardless of jurisdiction <ul style="list-style-type: none"> 1) Notify the jurisdiction of residence within 24 hours if missing person is under 21 or persons at risk 2) Generally, the agency having jurisdiction over the missing person’s residence has ultimate investigative responsibility for the missing person’s case. 3) An initial investigation and courtesy report may be taken by the agency where the missing persons was last seen. e. All missing Person’s Report have priority over non-emergency property crimes f. Obtain a Divisional Record’s (DR) Number within 2 hours for automatic entry into NCIC databases g. Provide parent or guardian with DOJ Form regarding release of dental/skeletal x-rays h. When missing person is found (dead or alive) the agency shall cancel any NCIC/MUPS entries (found report) <ul style="list-style-type: none"> 1) Notify the reporting party <p>2. Describe circumstances related to custody disputes situations when an officer may take a child into protective custody [27.III.D]</p> <ul style="list-style-type: none"> a. It reasonably appears to the Officer that one of the involved parties is likely to: conceal a child, flee the jurisdiction with the child, or by flight or concealment, evade the authority of the law [279.6 (a) (1)] b. There is no lawful custodian available to take custody of the child [279.6 (a)(2)] c. There are: conflicting custody orders, or conflicting claims to custody, and the parties cannot agree which party should take custody of the child [279.6 (a)(3)] d. The child is victim of an abduction [279.6 (a)(4)] 	<p>Obtain a Divisional Record’s (DR) Number within 2 hours for automatic entry into NCIC databases upon determining that a MP investigation report will be completed</p> <p>Ask: At what point during your investigation does an officer obtain DR #?</p>
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<p>3. Discuss penal code notification requirements when peace officers locate a missing person [27.III.E]</p> <ul style="list-style-type: none">a. Penal Code Section 14207-When a person reported missing has been found law enforcement agencies who locate the missing person shall immediately report that information to the Attorney General's Officeb. Penal Code Section 14207-When a reported missing person is located alive or dead	
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